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25 Attorneys for Plaintiffs
26 JEFFREY BITTON, MICHA BITTON
27 & SANDRA BITTON

28
29 UNITED STATES DISTRICT COURT

30 NORTHERN DISTRICT OF CALIFORNIA

31 JEFFREY BITTON, MICHA BITTON AND
32 SANDRA BITTON,

33 Plaintiffs,

34 vs.

35 CITY AND COUNTY OF SAN
36 FRANCISCO, a municipal entity, SAN
37 FRANCISCO POLICE DEPARTMENT
38 CAPTAIN DAVID LAZAR, POLICE
39 OFFICER BERKE (SFPD BADGE NO.
40 2240), POLICE OFFICER BRENT
41 BRADFORD (SFPD BADGE NO. 4199),
42 POLICE OFFICER NG (SFPD BADGE NO.
43 338), POLICE OFFICER DOWKY (SFPD
44 BADGE NO. 799), POLICE OFFICER
45 MARON (SFPD BADGE NO. 1929), POLICE
46 OFFICER NEWBECK (SFPD BADGE NO.
47 1691), POLICE OFFICER PAPALE (SFPD
48 BADGE NO. 642), POLICE OFFICER

49 Case No. C08-5585 MMC

50 **JOINT ADMINISTRATIVE MOTION TO
51 EXTEND JURISDICTION OF ENE
52 EVALUATOR IN ORDER TO CONDUCT ENE
53 HEARING; PROPOSED ORDER
54 [STIPULATED]
55 [CIVIL L.R. 7-11]**

1 JONES (SFPD BADGE NO. 852), POLICE
 2 OFFICER GARDEN (SFPD BADGE NO.
 3 404), POLICE OFFICER MCKINNEY (SFPD
 4 BADGE NO. 4), POLICE OFFICER
 5 LIBERTA (SFPD BADGE NO. 682), and
 6 DOES 1-100,

7 Defendants.

8 Pursuant to Local Rule 7-11 and ADR L.R. 5-4(b), the parties jointly file this stipulated
 9 Administrative Motion to extend the jurisdictional time of the evaluator in order to conduct an ENE
 10 Hearing.

11 **BACKGROUND**

12 This is a civil rights action brought by the Jeffrey Bitton, Micha Bitton and Sandra Bitton
 13 against individual San Francisco police officers and the City and County of San Francisco. Plaintiffs
 14 contend that the Defendants violated their Fourth Amendment rights by making an unlawful entry into
 15 their home and using unlawful force against defendants, while the Defendants maintain that exigent
 16 circumstances justified a warrantless entry and that any force used was lawful.

17 The parties and the Court's ADR coordinator engaged in a teleconference regarding the timing
 18 of the ENE Hearing, the form of mandatory ADR selected by the parties. Following the conference,
 19 the Court appointed Charles E. Farnsworth as the ENE Evaluator and set the hearing for June 11,
 20 2009.

21 Due to conflicting schedules of the parties and evaluator, the parties were unable to conduct the
 22 hearing. A subsequent hearing could not be rescheduled within the 90 time limit prescribed by ADR
 23 Local Rules for conducting such hearing.

24 On September 8, 2009, a further ADR phone conference was conducted, at which time the
 25 ADR coordinator recommended that the parties file a joint administrative motion seeking an extension
 26 of the ENE Evaluator's jurisdiction so that ADR efforts can ensue. The parties agree that within 60
 27 days after an order is issued would be a reasonable time to prepare for and to engage in the ADR
 28 process. Accordingly, the parties file this joint motion.

1 Dated: September 16, 2009
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DENNIS J. HERRERA
City Attorney
JOANNE HOEPER
Chief Trial Deputy

4
5 By: s/Sean Connolly
6

SEAN F. CONNOLLY
Deputy City Attorney

7 Attorneys for Defendants CITY AND COUNTY OF
8 SAN FRANCISCO, et al.
9

Dated: September 16, 2009

10 BRENT & FIOL, LLP
11

12 By: s/David Fiol
13

JOSEPH P. BRENT, ESQ.
DAVID LEE FIOL, ESQ.

14 Attorneys for plaintiffs JEFFREY BITTON,
15 MICHA BITTON & SANDRA BITTON
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ORDER

17 Pursuant to stipulation, it is so Ordered that the ENE Evaluator Charles E. Farnsworth's
18 jurisdiction be extended for 60 days from the date of this order.
19

Date: September 29, 2009


The Honorable Maxine M. Chesney
Judge of the United States District Court